

19 May 1983

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[REDACTED]

We have no problems with Stan's comments on the proposed legislation. We essentially covered Stan's concerns in paragraphs 1 and 2 of his memo in our earlier memo (our paragraph 2).

Regarding his comments on classification authority, we believe that the inclusion of DCI's exemption in the proposed legislation probably would apply to classification matters as well. [REDACTED] however, discussed this aspect with [REDACTED] directly and [REDACTED] said that OGC would make note of our concern that S.905 would not negate or infringe on the classification authority outlined in Executive Order 12356.

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[REDACTED]

RSB SUBJ: PENDING. LEGISLATION

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Proposed Bill S.905

FROM:

Director of Information Services, DDA
1206 Ames Building

EXTENSION

NO.

OIS 83-331/3

DATE

18 MAY 1983

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TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Legislation Division/OGC
5E11 Headquarters

Karen:

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Attached are some additional comments from one of my Divisions concerning the draft bill S.905. Sorry I did not get these to you when I sent you my previous memorandum.

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Attachment:
As stated

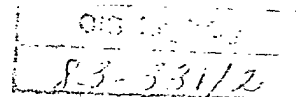
13. D/OIS: (18 May 1983)

Distribution:

14. Original PRS - Addressee w/att
 1 - D/OIS Subject w/att
 1 - D/OIS Chrono w/c

15. Att: OIS 83-331/2

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18 May 1983

MEMORANDUM FOR: Director of Information Services

FROM: Chief, Classification Review Division

SUBJECT: Comments on Proposed Bill S.905 for
Inclusion in the OIS Response

1. Page 2, Section 2101 (c)(3), the definition of "executive agency means any executive department of independent establishment in the executive branch of the Government, including any wholly-owned Government corporation." This definition could be construed to cover Agency proprietaries such as Air America and in this instance affect the ownership of records. This may or may not be desirable from the Agency point of view. Page 3, Section 2101 (c)(3), the definition of "Federal Agency" includes the wording "Government corporation, Government-controlled corporation," to which the above comments and question apply. ✓

2. Page 5, Section 2105 (a) gives the Archivist broad powers and authority. What must be avoided is the authority, of the Archivist, to make final classification decisions unilaterally. To achieve this in a bill, a sentence could be included such as: "Policies, rules and procedures relating to classified records will be determined jointly with the national security agencies whose records are involved."

3. Page 6, Section 2105 (f), does not appear to be a problem. Each Federal Agency is authorized to furnish data requested by the Archivist but it is not mandatory.


C/CRD